REMARKS

By this amendment, Applicant has amended claims 1, 9, and 12. Applicant has also amended the title, although it respectfully submits that the original title is acceptable. Claims 1-2, 4-9, 12 and 14 remain for consideration.

Claim Rejections Under 35 U.S.C. § 112

Claims 12 and 14 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 has been amended to more clearly state that the image data capture module is capable of performing a method. The claim is clearly drawn to an apparatus.

Claim Rejections Under 35 U.S.C. § 101

Claims 12 and 14 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to neither "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention. Applicant respectfully disagrees. All of the elements of claim 12 as amended are apparatus elements. One of the apparatus elements is recited as capable of performing a method. This is acceptable under MPEP 2173.05(g).

Claim Rejections Under 35 U.S.C. § 102

Claims 1-2, 4-9 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Imagawa et al. (U.S. Patent No. 6,657,666). Applicant strongly traverses. The Office Action does not show, and Imagawa et al. does not teach, all of the elements of the claims as amended. As such, the rejection is improper and cannot be maintained.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); (*See,* MPEP §2131). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed.

Cir. 1989). The elements must be arranged as required by the claim, but identical terminology is not required. *In re Bond*, 910 F. 2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Anticipation focuses on whether a claim reads on a product or process disclosed in a prior art reference, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter. *PPG Industries, Inc. v. Guardian Industries Corp.*, 75 F.3d 1558, 37 U.S.P.Q.2d 1618 (Fed. Cir. 1996).

"For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art. . . . Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there." *Motorola, Inc. v. Interdigital Tech. Corp.*, 121 F.3d 1461, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997).

Claim 1 has been amended to recite that the calculation of position of the object of the captured image is done only using the range and magnetic bearings to translate from the GPS coordinates to provide the coordinates of the object. This differs from Imagawa et al. Specifically, Imagawa et al. requires the use of map information saved in the memory (see col. 5, l. 40, and Applicant's previous response filed September 19, 2007), and this is specifically admitted in the Final Office Action (see Page 2, 2 lines from the bottom of the page). Since Imagawa et al. does not recite each and every element of the claim, claim 1 is allowable. Claims 2 and 4-8 depend from and further define patentably distinct claim 1, and are also believed allowable.

Claims 9 and 12 have also been amended to recite that the calculation of position of the object of the captured image is done only using the range and magnetic bearings to translate from the GPS coordinates to provide the coordinates of the object. As such, the arguments set forth in support of the allowance of claim 1 apply equally to claims 9 and 12, and claims 9 and 12 are allowable. Claim 14 depends from and further defines patentably distinct claim 12 and is also believed allowable.

Claim Rejections Under 35 U.S.C. § 103

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Imagawa et al. (U.S. Patent No. 6,657,666) in view of Mower (U.S. Patent No. 6,930,715). No combination of Imagawa et al. and Mower discloses each and every element of claim 14's base claim 12. As such, claim 14, which depends from and further defines patentably distinct claim 12, is also believed allowable.

CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 08-2025.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

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